

JOURNAL OF THE HOUSE.

Wednesday, February 18, 2004.

Met at seven minutes past eleven o'clock A.M., in an Informal Session, with Ms. Wolf of Cambridge in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, in a spirit of humility, we ask You to strengthen and deepen our own religious faith and beliefs, to renew our appreciation for our religious practices and customs and to help us remain faithful to our traditional spiritual and human values. In Your goodness grant us Your spiritual gift of wisdom which enables us to comprehend and to analyze clearly current complex, difficult and sensitive legislative and personal decisions and choices which are just, fair and morally right as we continue building civil, stable and responsive communities. May our judgements coincide with Your ways and precepts.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Ms. Wolf), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Message from the Governor.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at the special town election held by the town of New Salem (House, No. 4515) was filed in the office of the Clerk on Thursday, February 12.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

Communication.

The following communication from the Attorney General of the Commonwealth was spread upon the records of the House, to wit:

February 9, 2004.

The Honorable Thomas M. Finneran
Speaker of the House of Representatives
 State House — Suite 356
 Boston, MA 02133

Dear Speaker Finneran:

Pursuant to the authority granted to the Attorney General under section 595 of the Acts of 2003, I hereby appoint Paul Molloy, Division of Bill Commission.

Chief and Assistant Attorney General, Environmental Crimes Strike Force of the Criminal Bureau, and Matthew Brock, Assistant Attorney General, Environmental Protection Division of the Public Protection Bureau as my designees to the Buzzards Bay Oil Spill Study Commission.

Sincerely,

THOMAS F. REILLY,
Attorney General.

Resolutions.

Rat and
Maurie
Piscitelli.

Resolutions (filed with the Clerk by Miss Reinstein of Revere) congratulating Mr. and Mrs. Piscitelli on the occasion of their fiftieth wedding anniversary, were referred, under Rule 85, to the committee on Rules.

Mrs. Harkins of Needham, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Lepper of Attleboro, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Paper from the Senate.

Municipalities,
statutes.

A petition (accompanied by bill, Senate, No. 2218) of Susan C. Fargo and Shirley Owens-Hicks for legislation to clarify the procedures for municipalities and districts to accept statutes, was referred, in concurrence, to the committee on Local Affairs and Regional Government.

Reports of Committees.

MCAS.

Sex
crimes,
children.

Sunday
sales,
wages.

Identify
theft
victims.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill relative to the availability of MCAS results (House, No. 874); and

Of the Bill to eliminate the statute of limitations for certain sexual crimes against children (House, No. 1247);

And recommending that the same severally be referred to the House committee on Rules; and

Of the Bill further regulating the opening of retail stores on Sundays (House, No. 296),— and recommending that the same be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Rodrigues of Westport, for the committee on Commerce and Labor, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2921) of Robert M. Koczera and other members of the General Court relative to the protection of consumers from identity theft,— and recommending that the same be referred to the committee on Public Safety; and

By Mr. Koutoujian of Waltham, for the committee on Health Care, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2797) of Bradley H. Jones, Jr. and other members of the House for legislation to regulate the control of certain contagious diseases,— and recommending that the same be referred to the committee on the Judiciary.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill to create an exemption for low-income seniors from proposition 2½ overrides (House, No. 4470) ought to pass with certain amendments in section 1, in line 9, in section 2, in line 9, in section 3, in line 9, in section 4, in line 9, and also in section 5, in line 9 by inserting after the word “applies”, in each instance, the words “or residential property the owner of which would qualify for an alternative exemption that is approved by a majority vote of the local appropriating authority and contains qualifying income thresholds that do not exceed the income thresholds set forth in said subsection (k) of section 6 of chapter 62”. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Lepper of Attleboro, the bill was read a second time forthwith.

The amendments recommended by the committee on Ways and Means then were adopted; and the bill (House, No. 4470, amended) was ordered to a third reading.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill providing for a charter for the town of Dudley (House, No. 4428) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Lepper of Attleboro, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Binienda of Worcester, for the committee on Energy, on House, No. 4469, an Order relative to authorizing the committee on Energy to make an investigation and study of a certain House document concerning energy efficiency programs (House, No. 4510).

By Mr. Dempsey of Haverhill, for the committee on Science and Technology, on House, Nos. 517 and 2361, an Order relative to authorizing the committee on Science and Technology to make an investigation and study of certain House documents concerning computers in libraries and power generation facilities in the Commonwealth (House, No. 4511).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Diseases,
deliberate
spreading.

Proposition
2½,
seniors
exemptions.

Dudley,
town
charter.

Energy
efficiency,
study.

Library
computers,
etc.,
study.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Municipal
borrowing.

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill relative to cities and towns borrowing outside their debt limit (House, No. 889).

11

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill to improve municipal borrowing procedures (House, No. 4026).

Capital
project
funds.

By the same member, for the same committee, on House, Nos. 188 and 4034, a Bill to increase the amount that can be appropriated from the balance of a capital project fund (House, No. 4034).

Severally read; and referred, under Rule 32A, to the committee on Long-Term Debt and Capital Expenditures.

Living
organ
donation.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government on the part of the House, that the Bill relative to living organ donation (House, No. 4267) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Voter
registration.

By Mr. Straus of Mattapoisett, for the committee on Election Laws, on House, Nos. 333, 690, 2419 and 2420, a Bill establishing requirements for voters who register by mail (House, No. 4512).

Liquor
licenses.

By Mr. Bosley of North Adams, for the committee on Government Regulations, on House, Nos. 1473 and 2957, a Bill providing for the certification of alcoholic beverages licenses and servers of alcoholic beverages (House, No. 1473).

Racing,
dogs.

By the same member, for the same committee, on a petition, a Bill striking out discriminatory provisions (House, No. 2232).

Peddlers
licenses.

By the same member, for the same committee, on a petition, a Bill relative to veterans' preference in hawkers or peddlers licenses (House, No. 2590).

Sign
installers.

By the same member, for the same committee, on a petition, a Bill relative to the licensing of sign installers (House, No. 3517).

Liquor
licenses.

By the same member, for the same committee, on House, No. 4424, a Bill relative to the licenses of wholesalers of wines and malt beverages (House, No. 4513).

Minors,
guardians.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on Senate, No. 1022 and House, No. 729, a Bill relative to the appointment of a guardian ad litem to institute contempt proceedings involving the care, custody or maintenance of minor children (House, No. 729).

Devens
Army
Base.

By the same member for the same committee, on a petition, a Bill ceding concurrent jurisdiction to the United States over certain property located at the former Devens Army Base (House, No. 1141).

Minors,
guardians.

By the same member, for the same committee, on Senate, No. 1025 and House, No. 730, a Bill relative to the appointment of a guardian ad litem to investigate the facts of any proceeding involving the care,

custody or maintenance of minor children and domestic relations matters (House, No. 730).

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill relative to the creation of technical assistance centers (House, No. 4019, changed in section 1, in line 47, by inserting after the word "enumerated" the words "and may enter directly into contracts with the regional planning agencies of their technical assistance centers as they would with any city or town").

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill relative to state grant funds (House, No. 4028). Read; and referred, under Rule 33D, to the committee on Homeland Security and Federal Affairs.

Technical
assistance.

State
grant
funds.

By Mr. Bosley of North Adams, for the committee on Government Regulations, on House, Nos. 8 and 29, a Bill reducing filing requirements of motor vehicle towing companies (House, No. 29).

Vehicle
towing
companies.

By the same member, for the same committee, on a petition, a Bill to deter unlicensed practice of engineering and land surveying (House, No. 893).

Engineering.

By the same member, for the same committee, on a petition, a Bill relative to student obligation disclosure (House, No. 1464).

Student
obligation.

By the same member, for the same committee, on a petition, a Bill relative to the issuance of certain special alcoholic beverages licenses (House, No. 3518).

Liquor
licenses.

By the same member, for the same committee, on House, No. 3649, a Bill relative to the Renewable Energy Trust Fund (House, No. 4514).

Renewable
energy.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on a petition, a Bill relative to child abuse reporting by social workers (House, No. 3172).

Child
abuse.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill relative to the establishment of reserved funds for compensated absences in cities and towns (House, No. 4036).

Municipalities,
funds.

By the same member, for the same committee, on a petition, a Bill relative to the leasing of municipal property (House, No. 4062).

Municipal
property.

By the same member, for the same committee, on a petition, a Bill to authorize cities and towns to establish special purpose funds (House, No. 4069).

Municipalities,
funds.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

House bills

Relative to parking violations in the town of Marblehead (House, No. 4235);

Third
reading
hills.

Establishing a sick leave bank for Joanne M. Sollecito, an employee of the Department of Corrections (House, No. 4440); and

Establishing a sick leave bank for Sandra Delgaudio-Upton, an employee of the Trial Court of the Commonwealth (House, No. 4491) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

North Andover,
annual
elections.

The House Bill relative to annual elections in the town of North Andover (House, No. 3906), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Torrisi of North Andover moved that it be amended by adding at the end thereof the following section:

“SECTION 2. This act shall take effect upon its passage.”.

The amendment was adopted; and the bill (House, No. 3906, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. Finneran of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

Mr. Frost of Auburn then moved that as a mark of respect to the memory of Richard J. Dwinell, a member of the House from Millbury from 1965 to 1980, inclusive the House adjourn; and the motion prevailed.

Accordingly, at twenty minutes after eleven o'clock A.M., on motion of Mr. Lepper of Attleboro (Ms. Wolf of Cambridge being in the Chair), the House adjourned, to meet tomorrow next at eleven o'clock A.M., in an Informal Session.